

Substantive Law/Court Procedures Workgroup

Minutes

Date: September 1, 2011	Time: 12:00 PM – 2:00 PM	Location: Conference Room 230
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Minute Taker: Tama Reily

Members Attending:

x	Steve Wolfson	X	Daniel Cartagena		Ella Maley		David Weinstock
x	Brian Yee		Jami Cornish		Robert Reuss		
x	Thomas Alongi	x	William Fabricius		Donnalee Sarda		
x	Theresa Barrett		Jennifer Gadow		Ellen Seaborne		
x	Keith Berkshire		Grace Hawkins	x	Lindsay Simmons		
x	Sidney Buckman		Carey Hyatt		Russell Smolden		

Staff/Admin. Support: Kathy Sekardi; Kay Radwanski; Tama Reily

Guests: Elizabeth Clements; Michael Espinoza; Joi Davenport; Rena Selden; Debra Pearson; Eddie Olivares; Brent Miller; Crystal Lopez

Matters Considered:

I. Welcome and Announcements

The meeting was called to order at 10:16 am by co-chair, Dr. Brian Yee. Members and guests were welcomed.

II. Approval of Minutes

The minutes for the July 20, 2011, and August 19, 2011, were not presented for approval due to lack of a quorum.

III. Review and Discuss Custody Drafts

- **Judge Hyatt's Version**

Item tabled.

- **Tom Alongi's Versions 3 & 4**

Mr. Alongi reviewed his proposed simplified initiative, version 4, that includes suggestions made at the last meeting, portions of Judge Hyatt's version, Leslie Saterlee's comments, and his own version 3. He directed the group's attention to page 6, under section 25-422, where coercive control was added as an independent best interest factor. Lengthy discussion ensued regarding the most appropriate placement of the coercive control language. One suggestion was to place the language in a separate paragraph, like the current ".00" sections, such as 25-403.04 drug offenses, or 25-403.05 sexual offenders. The language would then stand on its own merits, however, some viewed this as far more ambitious and more of a challenge in getting the legislature to consider it. Mr. Alongi discussed the advantages and disadvantages of placing the language in paragraph A or B. There was also mention of the importance of a finite distinction between the situational or classic domestic violence and the historical pattern of coercive control. Consensus was not reached on this item.

- **Legislative Council's Version**

Item tabled.

- **Other Requested Changes / Proposals**

Although no additional suggestions have been submitted at this time, Mr. Wolfson reiterated that any workgroup member is free to present proposed language changes to be considered.

IV. Discuss and Vote on Coercive Control Language

The discussion regarding coercive control was included in Agenda Item III. The committee did not vote on this issue.

V. Distinction Between Situational and Classic
Item tabled.

As no items could be voted upon today, Mr. Wolfson turned to the issue of poor attendance at the workgroup meetings. He stated it is critical for workgroup members to play an active role in the process, or be removed from the workgroup so that a quorum can more easily be attained. Several potential meeting dates were discussed. Staff will send the workgroup an email listing the proposed dates in order to elicit member availability prior to actually setting the meetings.

VI. Call to the Public

Member of the public, Rena Selden spoke of the workgroup's focus on domestic violence and believes it is misguided. She noted the actual number of custody cases involving legitimate domestic violence is small – with most alleged cases being false allegations. She recommended the workgroup concentrate its efforts on custody issues.

Brent Miller echoed the sentiments of Ms. Selden, stating the workgroup has spent time on domestic violence concerns rather than what he believes it was tasked to do. Mr. Miller asserted that the true motives of the workgroup members is to create more cases for the interest holders, such as attorneys, whom he believes will benefit financially from the inclusion of domestic violence in the custody statute. He also argued there is no substantiated evidence that domestic violence is a big problem.

Michael Espinoza suggested the workgroup is trying to do what is right, however, he said the group needs to remember that domestic violence is not the issue here and the workgroup disregards the high incidence of false allegations of domestic violence.

Eddie Olivares commented that he was falsely accused of domestic violence for the purposes of his spouse to gain leverage and burden him with attorney's fees. He stated it took him eight months to regain access to his children and the experience was damaging to the children. He alleged the attorney saw a money-making opportunity and "took it and ran with it" without even considering the possibility of false allegations.

Debra Pearson stated she takes offense to the comments 'intellectual' versus 'political', as well as to 'expert opinion' because so called experts once used science to claim the world was flat. She expressed a concern that women play games and make false allegations to manipulate the system. She stated there is already prejudice and discrimination against fathers relating to domestic violence and adding the language of coercive control to the statute will only add to the problem.

Next Meeting

TBD

Arizona State Courts Building
1501 W. Washington